IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.Rev.Pet.No. 2670 of 2007()

ST.221/2005 of JFCM-VI, THIRUVANANTHAPURAM

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REVN. PETITIONER: COMPLAINANT

J.JAYANARAYANAN THAMPI,
R.N.J.ENTERPRISES, POOJAPPURA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.SREEKUMAR

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.R.P. No. 2670 OF 2007

Dated this the 12th day of July, 2007

O R D E R

Heard the learned counsel for the revision petitioner and the learned Public Prosecutor. The revision petitioner is the complainant in S.T.No.221/2005 on the file of the JFCM-VI, Thiruvananthapuram for an offence punishable under section 138 of the Negotiable Instruments Act, 1881. The complaint was filed in the year 2005. As per the impugned order dated 9.10.2006, the learned Magistrate has dismissed the complaint under section 204 (4) Cr.P.C. since the complainant had not taken steps for issue of non-bailable warrants against the accused, who is absconded. According to the revision petitioner, the direction to take steps during the previous posting of the case was omitted to be taken note of by the clerk of the counsel appearing for the complainant in the court below. The learned Magistrate ought to have been indulgent enough to give an opportunity to the revision petitioner to take steps for issue of Non Bailable Warrant. Since the dismissal of the complaint was before the service of process to the accused, there is no need to this court to hear the accused. The order

passed by the court below is set aside and the court below is directed to dispose of S.T.No.221/2005 in accordance with law, after giving the revision petitioner an opportunity to take steps for issue of Non Bailable Warrant.

This Revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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